

U.S.

■ FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (*WORKER SAFETY*)

TERMS: Under the Federal Insecticide, Fungicide, and Rodenticide Act, the Environmental Protection Agency has adopted safety standards for the protection of workers performing agricultural crop production activities, key provisions of which are summarized below.

Agricultural Employer Duties —

Information and Directions — Agricultural employers and farm managers must assure that pesticides are used in accordance with each product's labeling, and must provide their field workers and pesticide handlers with sufficient information and directions to assure they receive the protection of these provisions. Farm employers must also provide any labor contractor or other person who supervises workers or handlers with information and directions necessary for compliance with these provisions.

Emergency Assistance — If, within 72 hours after starting employment, a farmworker or pesticide handler shows symptoms of over-exposure to pesticides and needs emergency medical attention, the employer is obligated to (1) provide transportation from the farm or worker housing area to an appropriate medical care facility for treatment, and (2) provide information to the medical personnel treating the worker, including the identity of the pesticide involved and related safety data.

Display of Pesticide Safety Information — If workers or handlers are at an agricultural workplace where a pesticide product has been used or a restricted-entry interval has been in effect within the last 30 days, the farm employer or manager is required to display certain pesticide safety information, in a format that workers can understand and at a location easily accessible to them. Among other items, the prescribed information must include (1) recommended clothing, bathing and laundering practices to minimize pesticide exposure, (2) decontamination procedures in case of accidental exposure, and (3) emergency medical contact information.

Display of Pesticide Application and Hazard Information — If workers or handlers are at an agricultural workplace where a pesticide product has been used or a restricted-entry interval has been in effect within the last 30 days, the farm employer is required to display prescribed information related to each pesticide product used, and to make the information accessible to workers and handlers during normal work hours. Among other things, the information must include (1) a copy of the product's safety data sheet, (2) the name, EPA registration number and active ingredients of the product, (3) the location and description of the area treated, (4) the dates and times the application started and ended, and (5) the duration of the restricted-entry interval specified on the product label.

The pesticide application and hazard information must be displayed no later than 24 hours after the end of the application. It must remain displayed until at least 30 days after the end of the last restricted-entry interval, or until workers or handlers are no longer at the farm establishment.

Prohibited Acts — It is unlawful for employers of agricultural workers and employers of pesticide handlers to retaliate against a worker for attempting to comply with these provisions, or to prevent or discourage a worker from complying or attempting to comply.

Agricultural Worker Protection Requirements —

Pesticide Safety Training — In general, before any worker enters an area where a pesticide has been applied or a restricted-entry period has been in effect within the last 30 days, the employer must assure that the worker has received prescribed training within the last 12 months. The training must be presented by a qualified trainer and in a manner the worker can understand. Among other topics, the information presented must include (1) where and in what form pesticides may be encountered during work activities, (2) the hazards of exposure, (3) the different ways pesticides can enter the body, (4) signs and symptoms of common types of pesticide poisoning, (5) emergency first aid for pesticide injuries or poisoning, (6) routine and emergency decontamination procedures, (7) how to obtain emergency medical care, (8) the hazards from pesticide residues on clothing, (9) warnings about taking pesticides or pesticide containers home, and (10) the responsibility of agricultural employers for providing the information and protections outlined above.

Beginning January 1, 2018, the training must also include instruction regarding use of protective clothing and equipment, bathing and laundering procedures, and other practices that help reduce the risk of pesticide exposures and illnesses.

Entry to Treated Areas — After a pesticide application to an outdoor agricultural area, the farm owner or manager may not allow or order anyone other than an appropriately trained and equipped pesticide handler to enter or remain in the treated area. After a pesticide treatment, workers generally are not allowed to re-enter the area before the restricted-entry interval specified on the pesticide label has expired and all treated area warning signs have been removed or covered.

Notice of Applications — Farm employers must notify workers of upcoming pesticide applications. In the case of a pesticide whose label requires both posted notification at the site of the treatment and oral notification of the workers, the employer must:

(1) Post signs of prescribed size that include the signal words "Danger," "Pesticides," and "Keep Out," in English and a non-English language read by the largest group of non-English-reading workers. The signs must be posted no sooner than 24 hours before the scheduled pesticide application, remain posted throughout the application and any restricted-entry period, and be removed within 3 days after the application or any restricted-entry period ends.

(2) Give workers oral warning, in a manner they can understand. Workers on the property must receive the warning before the application begins; otherwise, the warning must be given at the start of the workers' first work period during which the application is taking place or the restricted-entry interval is in effect. The warning must include the location of the treated area, the time during which entry is restricted, and instructions not to enter the treated area until the restricted-entry period has expired.

Where the pesticide label does not require double notification, outdoor application of a pesticide with a restricted-entry interval of more than 48 hours generally requires posted notification only; in the case of products with restricted-entry intervals of 48 hours or less, the employer must notify workers of the application either by posting prescribed warning signs or giving prescribed oral notification.

Decontamination Supplies for Workers — For any agricultural worker who is performing an activity in an area where a pesticide was applied and who comes into contact with soil, water or plants treated with the product, the farm employer or manager is required to provide decontamination supplies for routine washing and emergency decontamination, including at least one gallon of water per worker and a supply of soap and single-use towels. These materials must be located outside the treated area and no more

Pesticides & Agricultural Chemicals — Field Worker Safety Standards

than 1/4 mile from where the workers are working, or at the point closest to the field where entry by vehicles is still possible.

Agricultural Pesticide Handler Protection Requirements — Workers who are employed to mix, load, transfer or apply pesticides, or who deal with pesticide application equipment or assist with pesticide applications (including acting as flaggers), are covered by protections very similar to those outlined above that apply to agricultural workers. These include, among other things, requirements for safety training, knowledge of labeling requirements associated with each pesticide product used, the prohibition against exposing workers and others to pesticides by contact, the provision and use of personal protective equipment, and the provision of decontamination and eye-flushing supplies.

ENFORCEMENT: Any state that has adopted adequate pesticide use laws and regulations, has adequate procedures for their enforcement, and agrees to keep required records and make required reports, may enter into an agreement with the federal government for the enforcement of pesticide use restrictions. Under such an agreement, the state has primary responsibility for enforcing the provisions described above.

All states except Wyoming currently have such authority. For agency information, see the first entry under "*Pesticides & Agricultural Chemicals*" for the state of interest.

In Wyoming and in any other state where the cooperating state agency fails to take appropriate action to assure compliance, the Act is enforced directly by the *Office of Pesticide Programs, Office of Chemical Safety and Pollution Prevention, U.S. Environmental Protection Agency, Washington, D.C. 20460 (703-305-7090)*.

Arizona

■ STATE AGRICULTURAL SAFETY LAW

TERMS: In addition to enforcing the worker protection standards prescribed by the U.S. Environmental Protection Agency (*see entry, U.S. — Pesticides & Agricultural Chemicals — Field Worker Safety Standards*), the state agriculture department has adopted additional rules regulating the safety and health of workers exposed to pesticides.

Pesticide Safety Information — Farm operators are required to provide their field workers with certain safety information before the workers enter a field where pesticides have been applied or a restricted-entry interval has been in effect within the last 30 days. The information must include the identity of the pesticides involved, as well as how workers may prevent exposure by (1) following directions or signs, (2) washing hands, (3) using protective clothing, (4) bathing after work, (5) washing work clothes, and (6) following emergency procedures in the event of spills or other over-exposure.

Pesticide Safety Training — Farm employers must provide safety training to each worker who enters a pesticide-treated area. Instruction must be provided in a language easily understood by the worker and must cover (1) pesticide hazards and effects, (2) common symptoms of pesticide poisoning, (3) emergency first aid for pesticide injuries or poisoning, and (4) the requirements related to pesticide application and entry restrictions and posting of warnings. An official training verification card must be issued to each worker who completes the training.

Notifications — A farm operator that utilizes the services of a farm labor contractor must notify the contractor of the restrictions on entering a pesticide-treated area, if the area is within 1/4 mile of where workers will be working and the treated area is not posted as required or allowed under federal regulations. The contractor, in turn, is required to notify the workers regarding the identity of the pesticide product used, the date and time the product was or will be applied, and the product's restricted-entry interval.

ENFORCEMENT: *Environmental Services Division, Arizona Department of Agriculture, Phoenix, Arizona 85007 (602-542-3578).*

SPECIAL NOTE: A person may not fire, discipline or discriminate against a worker because the worker has filed a complaint or made use of any other right granted by this law.

California

■ STATE PEST CONTROL LAWS (*WORKER SAFETY*)

TERMS:

Field Worker Safety — Agricultural employers must comply with the standards summarized below, among others, to protect the safety of field workers who may be exposed to pesticides through entry into areas treated with pesticides.

Hazard Communication — Whenever workers are working as field workers in a treated field, the employer must display state-provided safety information leaflets at the worksite or at a central gathering place. The employer must also keep pesticide use records and a safety data sheet for each pesticide listed in those records, and must furnish them to their workers, employees of a labor contractor, or treating medical personnel upon request.

Application Information — Before workers are allowed to enter any field treated with a pesticide, the employer must display at a central location specific information about the treatment, including the specific location, the date and time of the application, the names of the pesticides involved, and a copy of the safety data sheets for the pesticides applied.

Field Work During Pesticide Applications — It is illegal to direct or allow any person to enter or remain in a treated area of a field during a pesticide application, other than those who are involved in the application and are wearing protective clothing or equipment.

Training — Every worker assigned to work in a treated field must have received pesticide safety training within the preceding 12 months before beginning to work in a treated field. The training must be conducted in a way the worker understands, and must include topics such as the hazards of pesticides, how exposure can happen, entry intervals, signs and symptoms of over-exposure, first aid, and employee rights.

Emergency Medical Care — Emergency medical care for workers who enter fields treated with pesticides must be planned for in advance. The employer must locate a facility where emergency care is available, and the workers or their supervisor must be informed of the name and location of a doctor or medical facility where such care is available. When there is reason to suspect that a worker has a pesticide illness or over-exposure, the employer must ensure that the worker is taken to a doctor immediately. Doctors and others treating an injured worker must be given information about the pesticides involved and how the worker was exposed.

Decontamination Facilities — Not more than 1/4 mile from where field workers are at work (or at the nearest point of access), the employer must provide water, soap and single-use towels for washing of hands and face, and for emergency eye flushing. Workers must be told where the decontamination site is before they enter a treated field.

Field Re-Entry After Pesticide Applications — Under most circumstances, workers are not allowed to enter any area treated with a pesticide until the farm operator has been notified that the application has been completed and the restricted-entry interval has expired.

Warning Signs — Employers must post warning signs around treated fields in many situations, including (1) whenever required by the pesticide product label, (2) whenever applications are made in an entirely or partially enclosed space, and (3) prior to outdoor applications with a restricted-entry interval greater than 48 hours. Warning signs must be in English and Spanish (or other language read by a majority of workers who do not read English), posted at entry points around the fields involved and along unfenced public roads. The signs must be of prescribed size and include the skull and crossbones symbol and the words "Danger" and "Keep Out." Warning signs must be posted no sooner than 24 hours before the application, may not be removed during the re-entry period, and must be removed no later than 3 days after the end of the re-entry period and before workers are allowed to re-enter the fields to perform crop maintenance or harvest operations.

Safety of Pesticide Handlers — Among many other detailed requirements, the provisions outlined below apply to workers who mix, load, apply or assist in applying pesticides. These workers must be at least 18 years old.

Hazard Communication — Before workers are allowed to handle pesticides, the employer must display at a central location at the workplace state-provided informational leaflets, must maintain pesticide use records and a safety data sheet for each pesticide listed in those records, and must furnish them to their employees.

Training — Employers of pesticide mixers, loaders, non-certified applicators and their assistants must provide safety training to each such worker. Training must cover a range of topics, including pesticide hazards, safety procedures, protective clothing and equipment, the common symptoms of pesticide poisoning, sources of emergency medical treatment, the purposes and requirements for medical supervision, pesticide label requirements, and related laws and regulations. Training must occur before any pesticide worker is allowed to handle pesticides, and at least once a year thereafter.

Medical Care and Supervision — Employers must make arrangements for medical care in the event of pesticide-related emergencies, as well as for medical supervision of workers exposed to certain highly toxic pesticides for long periods of time. Doctors and others treating injured workers must be given information about the pesticides involved and how the workers were exposed.

Restrictions for Persons Working Alone — An employee working alone during daylight hours mixing, loading or applying certain especially toxic pesticides is required to make radio, telephone or face-to-face contact with a responsible adult at least once every 2 hours (at least once every hour, if working at night).

Changing Facilities — At each site where workers mix or load certain types of pesticides, the employer must provide a pesticide-free area where workers can change clothes, store their change of clothes, and wash themselves. Clean towels, soap and sufficient water must be available for thorough washing.

Decontamination Facilities — Not more than 1/4 mile from where workers are handling pesticides, the employer must provide water, soap and single-use towels for routine washing of hands and face, and for emergency eye flushing and washing of the entire body.

Work Clothing and Safety Equipment — When required by product labeling, the employer must provide prescribed personal protective equipment — including safety glasses and gloves — for each mixer, loader, flagger or applicator of specified toxic pesticides.

New Hampshire

■ **PESTICIDE CONTROL LAW (*WORKER PROTECTION*)**

TERMS: Agricultural employers who use any pesticide product whose label mentions EPA's worker protection standard (*see entry, U.S. — Pesticides & Agricultural Chemicals — Field Worker Safety Standards*) are required to provide pesticide safety training to their workers. The training requirement — which applies to workers who mix, load or apply pesticides and to those who may come into contact with pesticides in the field — must conform with both EPA and state regulatory requirements.

Workers who complete training provided by a qualified pesticide safety trainer must receive a signed certificate confirming the date of training, the trainee identification number, the name of the trainer, and the location where the training was provided. The certificate is valid for 5 years.

ENFORCEMENT: *Division of Pesticide Control, New Hampshire Department of Agriculture, Markets and Food, Concord, New Hampshire 03301 (603-271-3550).*

New Jersey

■ PESTICIDE CONTROL ACT OF 1971 (*AGRICULTURAL WORKER PROTECTION*)

TERMS: New Jersey has adopted pesticide-related worker safety rules, key provisions of which are summarized below.

Entry Restrictions — After an application of any pesticide to an agricultural field or in an agricultural workplace, the farm operator generally may not allow or direct any worker to enter or remain in the treated area before the restricted-entry interval specified on the pesticide label has expired.

Warnings to Workers — Unless an agricultural employer is certain that no worker will enter, work in, remain in, or pass through the treated area on foot during an application of a pesticide and during its restricted-entry interval, the employer is required to notify workers of any pesticide application on the farm. If the pesticide label requires that the notification be posted, the warning signs must (1) include the words "Danger," "Pesticides," and "Keep Out," in English and the native language understood by the workers, (2) be posted no sooner than 24 hours before the scheduled application, at locations visible from all points of worker entry or at the corners of the treatment area, and (3) be removed within 3 days after the expiration of the restricted-entry period. Among other required information, the posted warnings must include the name of the crop to be treated, the name of the pesticide to be used, the safe re-entry time, and the date and location of the application. A map of the farm clearly identifying the fields to be treated must be posted at the same location.

If the label requires oral warnings, they must generally be given before the application starts, in language easily understood by the worker, and include (1) the location and description of the treated area, (2) the time during which entry is restricted, and (3) instructions not to enter the treated area until the re-entry period has expired.

Pesticide Safety Training —

Orientation — On a worker's first day on the job, or at least one day before being assigned to a field that has been treated within the past 30 days, the employer must assure that the worker has received a worker orientation at least once during each year of employment. The orientation must cover topics including, among others, (1) re-entry, and how workers are informed about re-entry, (2) the location of handwashing facilities, clean clothes and protective clothing, (3) where to obtain immediate decontamination, (4) a review of required bulletin board information, and (5) the availability of pesticide fact sheets.

Safety Information — Before a farmworker enters an area where a regulated pesticide has been applied within the last 30 days, or where a restricted-entry interval has been in effect, the employer must assure that the worker has received certain pesticide safety information, including (1) how pesticide exposure can occur, and (2) how pesticides can be prevented from entering the body. The information may be in oral or written form, but it must be presented in a manner that the worker can understand.

Training — Before the 6th day that a worker enters an area where, within the last 30 days, a regulated pesticide has been applied or a restricted-entry interval has been in effect, the employer must assure that the worker has been trained. Training must be provided by an individual who meets state qualifications and must be presented in a way that the worker can understand. Among other requirements, the training must include (1) how pesticides may be encountered during work activities, (2) the hazards of pesticide exposure, (3) the routes through which pesticides can enter the body, (4) the symptoms of pesticide poisoning, (5) emergency first aid for pesticide injuries and poisoning, (6) how to obtain emergency medical care, (7) decontamination procedures, (8) the hazards of pesticide residues on clothing, (9) warnings about taking pesticides or pesticide containers home, and (10) worker rights under state and federal laws.

Decontamination Facilities — If an agricultural worker performs an activity in an area where, within the last 30 days, a pesticide has been applied or a restricted-entry interval has been in effect, and the worker contacts anything that has been treated with the pesticide, the employer is required to provide a decontamination site for washing off pesticide residues. The decontamination site must be reasonably close to where workers are working, located at the same site as the required portable toilets, and not in an area where pesticides are being applied. Decontamination facilities must include enough clean, cool water for routine washing and emergency eye-flushing, along with soap and single-use towels.

Emergency Assistance — If there is reason to believe that a farmworker employed at an agricultural establishment has been poisoned or injured by exposure to pesticides used on that establishment, the employer must make available prompt transportation of the worker from the farm or labor camp to an appropriate medical facility. Likewise, the employer must provide the worker, or to the medical personnel treating the worker, all relevant and available information about the pesticide product involved and the circumstances of the victim's exposure to it.

ENFORCEMENT: *Bureau of Pesticide Compliance and Enforcement, Division of Waste Enforcement, Pesticides and Release Prevention, New Jersey Department of Environmental Protection, Trenton, New Jersey 08625 (609-984-6568).*

North Carolina

■ **NORTH CAROLINA PESTICIDE LAW OF 1971 (*WORKER PROTECTION*)**

TERMS: North Carolina has adopted and currently enforces the worker protection standards developed by the U.S. Environmental Protection Agency (*see entry, U.S. — Pesticides & Agricultural Chemicals — Field Worker Safety Standards*).

In addition to the information required by the EPA regulations to be posted when workers are in a location where restricted-use pesticides have been applied within the last 30 days or a restricted-entry interval has been in effect, the specific time of day when each pesticide application was completed must be recorded immediately upon completion of the application. The farm employer is required to keep all such records for a period of at least 2 years from the specific time of day when each pesticide application was completed.

ENFORCEMENT: *Pesticide Section, Structural Pest Control and Pesticide Division, North Carolina Department of Agriculture and Consumer Services, Raleigh, North Carolina 27699 (919-733-3556).*

Ohio

■ **PESTICIDE LAW (AGRICULTURAL WORKER SAFETY)**

TERMS: Ohio has adopted the worker protection standard established by the U.S. Environmental Protection Agency (*see entry, U.S. — Pesticides & Agricultural Chemicals — Field Worker Safety Standards*) as the safety standard for pesticide workers in Ohio. It applies to all agricultural workers and handlers working with, in or around pesticides.

ENFORCEMENT: *Enforcement Division, Ohio Department of Agriculture, Reynoldsburg, Ohio 43068 (614-728-6270).*

Oregon

■ OREGON SAFE EMPLOYMENT ACT (*WORKER PROTECTION*)

TERMS: The state agency that administers the Oregon Safe Employment Act has adopted the worker protection standard established by the U.S. Environmental Protection Agency (*see entry, U.S. — Pesticides & Agricultural Chemicals — Field Worker Safety Standards*), and applied it to all agricultural workers and pesticide handlers in Oregon. In addition, the state agency has adopted related rules especially relevant to the safety and health of workers exposed to pesticides, briefly summarized here:

Personal Protective Equipment — Farm employers are required to assess their workplaces to determine if hazards exist, or are likely to be present, which would make the use of personal protective equipment necessary to protect their workers. If so, employers must select appropriate protective equipment and ensure that each exposed worker use it. The employer is responsible for paying the cost of any specialized equipment, but the workers must pay for everyday protective items like gloves, long-sleeve shirts, long pants, conventional boots, broad-brim hats, and sunscreen.

Workers who are required to use personal protective equipment must receive training in its use, provided by the employer. Training must cover such topics as (1) when protective equipment is necessary, (2) how to put on, adjust and remove the equipment, and (3) the proper care, maintenance, storage and disposal of the equipment.

Respiratory Protection — When necessary to protect a worker against the adverse health effects of breathing pesticides or other agricultural chemicals in the air, a farm employer is required to provide the worker with a respirator and the worker is required to use it. Moreover, the employer must have an effective, written respiratory protection program that includes procedures for (1) selecting, fitting, maintaining and discarding respiratory equipment, and (2) training workers in the respiratory hazards to which they may be exposed and the effective use of respiratory equipment. In some situations, the program may include certain prescribed medical evaluations.

ENFORCEMENT: *Oregon Occupational Safety and Health Division, Oregon Department of Consumer and Business Services, Salem, Oregon 97309 (503-378-3272; toll-free 800-922-2689).*

SPECIAL NOTE: An employer may not fire, discipline or discriminate in any way against a worker because the worker has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions. A worker who has been subjected to retaliation may file a complaint with the *Oregon Bureau of Labor and Industries, Portland, Oregon 97232 (971-673-0844)* at any time within 90 days after learning of the alleged violation.

Puerto Rico

■ **PESTICIDE ACT OF PUERTO RICO (*WORKER PROTECTION*)**

TERMS: Agricultural employers must comply with the worker protection standards established by the U.S. Environmental Protection Agency, which require that workers be provided with certain information about the pesticides to which they are exposed in the fields and with personal protective equipment to help prevent pesticide-related injury or illness (*see entry, U.S. — Pesticides & Agricultural Chemicals — Field Worker Safety Standards*).

ENFORCEMENT: *Agrology and Agricultural Materials Laboratory, Puerto Rico Department of Agriculture, Dorado, Puerto Rico 00646 (787-796-1735).*

Tennessee

■ **TENNESSEE INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (*WORKER PROTECTION*)**

TERMS: Agricultural employers must comply with the worker protection standard established by the U.S. Environmental Protection Agency, which requires that workers be provided with certain information about the pesticides to which they are exposed in the fields and with personal protective equipment to help prevent pesticide-related injury or illness (*see entry, U.S. — Pesticides & Agricultural Chemicals — Field Worker Safety Standards*).

The owner or operator of a farm or other agricultural establishment subject to the state rules must provide any farm labor contractor who performs work there (1) the location of the establishment's central posting site, and (2) any re-entry restrictions in effect in a pesticide-treated area if the area is within 1/4 mile of a location where workers are present and the treated area is not posted as required under the EPA standard. The labor contractor, in turn, must direct the workers under his or her control to the central posting area or provide the required pesticide application notifications to the workers directly.

ENFORCEMENT: *Pesticide Section, Consumer and Industry Services Division, Tennessee Department of Agriculture, Nashville, Tennessee 3720 (615-837-5148)*.

Texas

■ **AGRICULTURE CODE (*WORKER PROTECTION*)**

TERMS: Farmworkers, as well as workers mixing, loading, transferring or applying pesticides, must be trained in accordance with the worker protection standard established by the U.S. Environmental Protection Agency (*see entry, U.S. — Pesticides & Agricultural Chemicals — Field Worker Safety Standards*).

Qualified trainers are required to make a record of each training session they conduct, including dated and signed attendance lists. Workers who complete a training session must receive an EPA- or state-approved training verification card identifying the trainee and documenting the trainee's attendance.

ENFORCEMENT: *Pesticide Programs, Agricultural and Consumer Protection Division, Texas Department of Agriculture, Austin, Texas 78711 (512-475-1620; toll-free 800-835-5832).*

Washington

■ WASHINGTON PESTICIDE APPLICATION ACT (*WORKER PROTECTION*)

TERMS: Under the Washington Pesticide Application Act, the state agriculture director has adopted detailed standards for the protection of pesticide handlers and agricultural workers who may be exposed to pesticides in the field. The rules are virtually identical to the worker protection standard established by the U.S. Environmental Protection Agency (*see entry, U.S. — Pesticides & Agricultural Chemicals — Field Worker Safety Standards*).

ENFORCEMENT: *Compliance Section, Pesticide Management Division, Washington State Department of Agriculture, Olympia, Washington 98504 (360-902-2036); toll-free 877-301-4555*.

■ WASHINGTON INDUSTRIAL SAFETY AND HEALTH ACT OF 1973 (*PESTICIDE SAFETY FOR WORKERS*)

TERMS:

Worker Protection Standards — The state labor and industries director has adopted detailed, specific standards for the protection of field workers and pesticide handlers. The rules are nearly identical to the worker protection standard established by the U.S. Environmental Protection Agency (*see entry, U.S. — Pesticides & Agricultural Chemicals — Field Worker Safety Standards*).

Personal Protective Equipment — As additional protection against injuries caused by pesticides and other toxic or hazardous materials, employers must provide and maintain certain personal equipment such as protective clothing, respirators, shields, safety glasses and other devices that create a barrier between the source of the hazard and the worker. Employers are required to instruct the workers in the proper use of personal protective equipment.

Exception — Employers are not required to provide workers with long-sleeve shirts, long-legged pants, socks and other normal work clothing that may provide some protection against workplace hazards.

ENFORCEMENT: *Division of Occupational Safety and Health, Washington State Department of Labor and Industries, Olympia, Washington 98504 (360-902-5494; toll-free 800-423-7233)*.

SPECIAL NOTE: An employer may not fire, discipline or discriminate against a worker because the worker has filed a complaint or made use of any other right granted by this law. Retaliation should be reported to the Department of Labor and Industries within 30 days after the violation occurs.

Wisconsin

■ PESTICIDE LAWS (*WORKER PROTECTION*)

TERMS:

Compliance with Federal Standards — Agricultural employers in Wisconsin, as well as individuals and businesses that mix, load or apply agricultural pesticides in the state, are required to comply with the worker protection standards established by the U.S. Environmental Protection Agency (*see entry, U.S. — Pesticides & Agricultural Chemicals — Field Worker Safety Standards*).

Warning Signs — Agricultural employers are required to post prescribed warning signs at pesticide application sites, as required under the EPA standards mentioned above. They must go up no earlier than 24 hours before the pesticide application is scheduled to begin, remain posted throughout the restricted-entry period specified on the product label, and be removed or covered not more than 3 days after the re-entry period ends.

Early Entry to Treated Fields — An agricultural employer may allow workers to enter a treated field before the restricted-entry period has ended, but only if (1) early entry is necessary because of an unexpected emergency, (2) early entry does not violate the EPA worker protection standards, (3) the workers entering the treated area have been trained in accordance with the EPA standards, and (4) the employer files a written report of the emergency situation with the state enforcement agency. The report must include the date and location of the early entry, a description of the emergency that required early entry, the name and EPA registration number of the pesticide applied to the area, and the number of workers involved in the early entry.

Worker Training — An agricultural employer is prohibited from requiring or allowing an agricultural worker to enter a field subject to a restricted-entry interval during the previous 30 days, unless the worker has received the worker safety training required under the EPA standards. The training must have been presented by a person certified or qualified by the state agency. Employers of agricultural workers must keep prescribed records of pesticide training for each worker or handler employed.

ENFORCEMENT: *Bureau of Agrichemical Management, Division of Agricultural Resource Management, Wisconsin Department of Agriculture, Trade and Consumer Protection, Madison, Wisconsin 53708 (608-224-4545).*